

REMARKS

I. Summary of the Office Action

Claims 1-79 are pending in this application.

Claims 12, 27, 36-39, 54, 56, 57, 72, 74, and 75 are rejected under 35 U.S.C. § 102(e) as being anticipated by Alcorn et al. U.S. Patent No. 6,104,815 (hereinafter "Alcorn").

Claims 1, 2, 4-11, 14-17, 19-26, 28-35, 40, 41, 43-53, 58, 59, 61-71, and 76-79 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Paravia et al. U.S. Patent 6,508,710 (hereinafter "Paravia").

Claims 13, 55, and 73 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Alcorn in view of Paravia.

Claims 3, 18, 42, and 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Paravia in view of Alcorn.

II. Summary of Applicants' Reply

Applicants have amended claims 1, 14, 16, 27, 29, 40, 58, 76, and 78.

The Examiner's rejections are respectfully traversed.

III. Applicants' Reply to the § 102(e) Rejection

Claims 12, 27, 36-39, 54, 56-57, 72, 74, and 75 are rejected under 35 U.S.C. § 102(e) as being anticipated by Alcorn. The Examiner's rejection is respectfully traversed.

Applicants' independent claims 12, 27, 54, and 72 are directed to systems, a method, and machine-readable instructions that enable user equipment to verify whether it is located in a geographic location where wagering is allowed. An integrated receiver decoder is used to receive blackout information, wherein the blackout information indicates geographic areas that prohibit wagering. Information that indicates the geographic location of the user equipment is obtained and the user equipment compares the location information to the blackout information to determine whether the user equipment is located in a geographic location where wagering is allowed.

Alcorn generally refers to an interactive gaming system that can determine the location of remote terminals using a global positioning satellite system. However, Alcorn fails to show or suggest using the remote terminals to compare location information to blackout information to determine whether the user equipment is located in a geographic location

where wagering is allowed. Furthermore, Alcorn fails to show or suggest using the remote terminals to receive blackout information that could be used in such a comparison. Alcorn, in stark contrast to applicants' invention, uses remote terminals to send location information to a gaming server to determine whether the remote terminals are in a valid location. This aspect of Alcorn is discussed in more detail below.

FIGS. 3 and 4 of Alcorn show flow charts of operations of the remote terminals and the gaming server. FIG. 3 shows operations that take place at the remote terminal, where the user presides. The remote terminal obtains data, including latitude and longitude data, encrypts the data, and sends the encrypted data to a gaming server (column 6, line 64 to column 7, line 7).

FIG. 4 shows operations that take place at the gaming server. The gaming server decrypts the received data to determine whether the data identifies a valid user (column 7, lines 8-12). A user is determined valid if the data, including the latitude and longitude data, satisfy certain criteria (column 7, lines 12-23). Hence, the determination of whether a remote terminal, and thus user, are in a valid location takes place at the gaming server, not at the remote

terminals. If any of the criteria are not met, the server returns a "not authorized to play" signal, which indicates that the user is not permitted to wager. Conversely, if all of the criteria are met, the server returns an "authorized to play" signal and the user is permitted to place wagers (column 7, lines 24-25).

The foregoing demonstrates that Alcorn fails to show or suggest using the remote terminals to compare location information to blackout information to determine whether the user equipment is located in a geographic location where wagering is allowed. The Examiner, however, contends that this feature of applicants' claims is shown in the FIGS. of Alcorn and in the following sections in Alcorn: Column 3, line 53-Column 4, line 12; Column 5, lines 1-25; Column 6, line 40-Column 7, line 31; and Column 8, lines 26-41. The Examiner's contention is respectfully traversed.

The FIGS. of Alcorn refer to various diagrams and flow charts. The diagrams are silent with respect to how and where the location information of Alcorn is used to determine whether a remote terminal is in a valid location. However, the flow charts show that the remote terminals of Alcorn send the location information to a gaming server to determine whether the remote terminals are in a valid location.

Therefore, the FIGS. of Alcorn fail to show or suggest the aforementioned feature of applicants' claims.

Column 3, line 53-Column 4, line 12 of Alcorn refers to the Summary of the Invention. This portion of Alcorn generally discusses that player location is determined and that gambling is denied to those in locations that make such transactions illegal. However, this portion of Alcorn fails to specify where these actions are taken. Accordingly, this portion of Alcorn fails to show or suggest using the remote terminals to compare location information to blackout information to determine whether the user equipment is located in a geographic location where wagering is allowed as specified in applicants' claims.

Column 5, lines 1-25 of Alcorn refers to using receiver 20, which is part of the remote terminal, to communicate with a satellite radio navigation system to determine the position of the remote terminal. However, this portion of Alcorn fails to show or suggest using the remote terminals to compare location information to blackout information to determine whether the user equipment is located in a geographic location where wagering is allowed as specified in applicants' claims.

Column 6, line 40-Column 7, line 31 of Alcorn refers to FIGS. 3 and 4. However, as discussed above, these FIGS. fail to show or suggest using the remote terminals to compare location information to blackout information to determine whether the user equipment is located in a geographic location where wagering is allowed as specified in applicants' claims.

Column 8, lines 26-41 of Alcorn refers to an alternative embodiment in which the remote terminal is "embodied in a "set-top box" configuration" (column 8, lines 26-27). However, this portion of Alcorn fails to show or suggest using the remote terminals to compare location information to blackout information to determine whether the user equipment is located in a geographic location where wagering is allowed as specified in applicants' claims.

Moreover, Alcorn fails to show or suggest using the remote terminals to receive blackout information that could be used to compare with the location information.

Accordingly, in view of the foregoing, applicants respectfully submit that claims 12, 27, 54, and 72 are allowable over Alcorn and that the rejection be withdrawn. Dependent claims 36-39, 56, 57, 74, and 75 are also allowable because they depend from claims 12, 27, 54, and 72.

IV. Applicants' Reply to the § 103 Rejection

Claims 1, 2, 4-11, 14-17, 19-26, 28-35, 40, 41, 43-53, 58, 59, 61-71, and 76-79 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Paravia. Applicants respectfully traverse this rejection.

Paravia refers generally to a computerized gaming system that enables participants to remotely access a gaming system to place wagers on gaming events. Paravia discloses several different methods for determining the location of a player and restricting wagering access if the player is located in a location where wagering is not permitted.

Applicants have amended claims 1, 16, 40, and 58 to more particularly define the feature of providing a location verification token to the user equipment. In particular, this feature has been amended to specify providing the user equipment with a location verification token in response to a determination that the user equipment is in a location where wagering is allowed, wherein the location verification token comprises content that indicates that the user equipment is in a location where wagering is allowed.

Applicants have amended independent claims 14, 29, 76, and 78 to more particularly define the feature of providing a location verification token to the user equipment.

In particular, this feature has been amended to specify providing the user equipment with a location verification token in response to a determination that the user equipment is in a location where wagering is allowed, wherein the location verification token is provided by an interactive wagering application, wherein the location verification token comprises content that indicates that the user equipment is in a location where wagering is allowed, and wherein the location verification token is stored on the user equipment.

The Examiner acknowledges the novelty of claims 1, 16, 40, and 58 over Paravia with respect to applicants' features of (a) providing the user equipment with a location verification token when the user equipment is in a location where wagering is allowed, (b) using the interactive wagering application to verify whether the location verification token is valid, and (c) restricting wagering access when the user equipment does not have a valid location verification token.

The Examiner also acknowledges the novelty of claims 14, 29, 76, and 78 over Paravia with respect to applicants' features of (a) providing the user equipment with a location verification token, wherein the location verification token is provided by an interactive wagering system when the user equipment is located at a location where wagering is allowed,

and wherein the location verification token is stored on the user equipment, and (b) restricting wagering access when the location verification token is not stored on the user equipment.

The Examiner, however, contends that these features not shown by Paravia are obvious in view of "cookies." The Examiner contends that "it would have been obvious ... to include a "cookie" on a player's gaming device, such as a computer, to recognize (IP address or otherwise) from which the player is accessing the system and to identify the particular player" (Office Action, page 13). The Examiner further contends that one would be motivated to place a "cookie" on a player's machine so that the player can bypass the entry screen and directly access the system, or to provide the entry screen with the appropriate user name and request only the password to facilitate the login process to the wagering system (Office Action, page 13).

Applicants respectfully submit that even if cookies were used to facilitate the log-on process, there is no showing or suggestion that the cookies would be provided to the user equipment in response to a determination that the user equipment is in a location where wagering is allowed. Nor is there any showing or suggestion that such cookies would

comprise content that indicates that the user equipment is in a location where wagering is allowed. Thus, applicants' claimed feature of providing a location verification token to the user equipment in response to a determination that the user equipment is in a location where wagering is allowed is in no way similar to cookies that may be provided to the user equipment to facilitate a log-on process. Furthermore, the content of the location verification token indicates that the user equipment is in a location where wagering is allowed. The content of the cookies, in stark contrast to the content of the location verification token, merely contains information used to facilitate a log-on process such as a user's user name.

Accordingly, for at least the reason that the combination of Paravia and cookies fail to show or suggest each of applicants' claimed features, claims 1, 14, 16, 29, 40, 58, 76, and 78 are allowable. Dependent claims 2, 4-11, 15, 17, 19-26, 28, 30-35, 41, 43-53, 59, 61-71, 77 and 79 are also allowable because they depend from claims 1, 14, 16, 29, 40, 58, 76, and 78.

Therefore, in view of the foregoing, applicants respectfully request that the rejections of claims 1, 2, 4-11,

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14-17, 19-26, 28-35, 40, 41, 43-53, 58, 59, 61-71, and 76-79

under 35 U.S.C. § 103(a) be withdrawn.

V. Applicants' Reply to the Remaining § 103 Rejections

Claims 13, 55, and 73 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Alcorn in view of Paravia.

Claims 3, 18, 42, and 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Paravia in view of Alcorn.

Each of these rejections is respectfully traversed.

Because applicants have demonstrated in the foregoing that independent claims 1, 12, 16, 40, 54, 58, and 72 are allowable, dependent claims 3, 13, 18, 42, 55, 60, and 73 are also allowable.

VI. Applicants' Request with Respect to the § 103 Rejection Set Forth in Section IV of this Reply

If the Examiner maintains the § 103 rejection of independent claims 1, 14, 16, 29, 40, 58, 76, and 78, applicants respectfully request that the Examiner provide a reference that supports the Examiner's position with respect to the use of cookies.

VII. Amendment to Claim 27

Applicants have amended claim 27 to correct a simple clerical error. Applicants' Reply to Office Action of July 30, 2003 states that claims 12 and 27 were amended to specify that blackout information indicates geographic regions that prohibit wagering. However, no such amendment was made to claim 27. Therefore, applicants now amend claim 27 to reflect the feature intended for the claim.

Accordingly, entry and consideration of this amendment is respectfully requested.

VIII. Applicants' Response to the Objection of the Drawings and Submission of Formal Drawings

The Notice of Draftsperson's Patent Drawing Review indicated that FIG. 3 did not conform with the requirements of 37 C.F.R. § 1.84(K). Accordingly, applicants submit herewith formal drawings (replacement sheets 1-18) for the informal drawings filed on April 5, 2001 with the above-identified patent application.

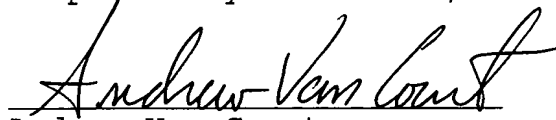
Accordingly, in view of the attached replacement sheets, applicants request the objection to the drawing be withdrawn.

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VIII. Conclusion

The foregoing demonstrates that claims 1-79 are allowable. Applicants respectfully submit that this patent application is in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully Submitted,



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